

REMARKS

Applicant respectfully requests reconsideration. Claims 1-4, 6-31, 33, 34, 36, 38 and 39 were previously pending. A number of claims have been amended. Claims 40 and 41 have been added. No claims have been cancelled. No new matter has been added. Accordingly, claims 1-4, 6-31, 33, 34, 36, 38 and 39-41 are pending for examination with claim 1 being the sole independent claim.

IDS

The IDS filed on October 15, 2004 included a typographical error when citing a patent by Applicant “Krames et al.”. That IDS listed the patent number as 5,799,924, when the correct patent number is 5,779,924. Applicant is correctly citing this patent in an IDS filed herewith.

Rejection of Claims 1-4, 6-20, 22-31, 33, 34, 36, 38 and 39

Claims 1-4, 6-20, 22-31, 33, 34, 36, 38 and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,784,463 (Camras) in view of U.S. Patent No. 5,779,924 (Krames) in further view of U.S. Patent No. 6,462,358 (Lin).

Claim 1 has been amended to specify that the first layer includes a top surface and a bottom surface opposite the top surface with the top surface being further away from the light-generating region than the bottom surface. Claim 1 also states that the top surface is in contact with the material comprising gas.

The Office Action identifies layer 114 in Camras as being the “first layer” which includes a surface in contact with a material comprising gas (i.e., air). However, the “top surface” of layer 114 (i.e., the layer opposite the bottom surface and further away from the light-generating region) is in contact with the superstrate 117. Thus, Camras fails to teach or suggest a first layer including a top surface of the first layer in contact with a material comprising gas. This feature is not provided by Krames or Lin. Moreover, it would not have been obvious to one of skill in the art to modify the Camras to include this feature.

Because the combination of Camras in view of Krames and further in view of Lin fails to teach or suggest each claim limitation, claim 1 is patentable over the combination. The remaining

claims that stand rejected on this ground depend from claim 1 and are patentable for at least this reason.

Accordingly, Applicant respectfully requests withdrawal of the claim rejections on this ground.

Rejection of Claim 21

Claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over Camras in view of Krames and further in view of Lin and further in view of U.S. Patent Publication No. 2004/0043524 (Huang).

Claim 21 depends from claim 1 which is patentable over the combination of Camras in view of Krames and further in view of Lin for reasons noted above. Huang fails to cure the deficiency of the Camras, Krames and Lin combination with respect to claim 1. Therefore, the combination of Camras in view Krames further in view of Lin and further in view of Huang fails to teach or suggest each limitation of claim 1 and, thus, also claim 21. For at least this reason, claim 21 is patentable over the combination.

Accordingly, Applicant respectfully requests withdrawal of the claim rejection on this ground.

New Claims

New claims 40 and 41 depend from claim 1 and are patentable over the cited references for at least the reasons noted above for which claim 1 is patentable over the cited references.

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Respectfully submitted,

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